

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ERIC M. ALBRITTON,

Plaintiff

v.

CISCO SYSTEMS, INC. and
RICHARD FRENKEL

Defendants

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No. 6:08cv00089
JURY

**DEFENDANTS' UNOPPOSED MOTION TO REOPEN DISCOVERY
TO TAKE THE DEPOSITION OF MICHELLE ALBRITTON
AND MOTION TO DISMISS AS MOOT DEFENDANTS' MOTION IN LIMINE NO. 2.**

Defendants respectfully request leave of Court to reopen fact discovery in this case for the limited purpose of taking the deposition of Michelle Albritton. Ms. Albritton's deposition is scheduled to take place on April 15, 2007. The parties have further agreed that neither Scott Stephens nor John Albritton will testify at trial. Provided the Court permit Defendants to depose Ms. Albritton, Defendants also request that Defendants' Motion *in Limine* No. 2 be withdrawn as moot.

Plaintiff does not oppose Defendants' motion so long as the Court dismisses Defendants' Motion *in Limine* No. 2.

WHEREFORE, Defendants respectfully request that the Court grant their motion.

Respectfully submitted,

JACKSON WALKER L.L.P.

By: /s/ Charles L. Babcock

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/s/ George L. McWilliams

By: by permission

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ATTORNEY FOR DEFENDANT
RICK FRENKEL

CERTIFICATE OF CONFERENCE

The parties have agreed to the matters stated herein.

/s/ Charles L. Babcock
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CERTIFICATE OF SERVICE

This is to certify that on this 14th day of April, 2009, a true and correct copy of the foregoing was served via electronic mail upon:

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